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Attorneys for DICK/MORGANTI; DICK CORPORATION; THE MORGANTI GROUP, INC.;
 AMERICAN CASUALTY COMPANY OF READING, PA; and NATIONAL UNION FIRE
 INSURANCE COMPANY OF PITTSBURGH, PA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

UNITED STATES of AMERICA for the Use
 and Benefit of WEBCOR CONSTRUCTION,
 INC. dba WEBCOR BUILDERS, and
 WEBCOR CONSTRUCTION, INC. dba
 WEBCOR BUILDERS,

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK
 CORPORATION; THE MORGANTI
 GROUP; AMERICAN CASUALTY
 COMPANY OF READING, PA;
 NATIONAL UNION FIRE INSURANCE
 COMPANY OF PITTSBURGH, PA, and
 DOES 1 through 10, inclusive,

Defendants.

Case No.: 3:07-CV-02564-CRB

**JOINT STIPULATION FOR
 CONTINUANCE OF HEARING ON
 MOTION TO DISMISS FOR FAILURE
 TO STATE A CLAIM AND MOTION
 FOR A MORE DEFINITE STATEMENT**

Judge: Hon. Charles R. Breyer

AND ALL RELATED COUNTER-CLAIMS
 AND THIRD PARTY COMPLAINTS.

1 IT IS HEREBY STIPULATED jointly by the parties hereto through their respective
2 counsel as follows:

3 **WHEREAS:**

4 1. On January 18, 2008 Defendants DICK/MORGANTI; DICK CORPORATION;
5 THE MORGANTI GROUP, INC.; AMERICAN CASUALTY COMPANY OF READING, PA;
6 and NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA,

7 (“Defendants”) filed a Notice of Motions and Motion to Dismiss or Failure to State a Claim and
8 Motion for a More Definite Statement (“Motions”) in response to the Complaint filed by Plaintiff
9 United States of America for the use and benefit of Webcor Construction Inc. (“Plaintiff”); and

10 2. The hearing for the Motions has been scheduled for February 22, 2008 at 10:00
11 a.m.; and

12 3. Defendants and Plaintiff have tentatively reached an agreement which would
13 make the Motions unnecessary and moot; and

14 4. Plaintiff’s current deadline to file an opposition to the Defendants’ Motions is
15 February 1, 2008; and

16 5. Defendants and Plaintiff intend to finalize their agreement, render the Motions
17 unnecessary and moot, and inform the Court of their final agreement on or before February 22,
18 2008.

19 **NOW THEREFORE:**

20 1. Defendants and Plaintiff request a continuance of the hearing for the Motions and
21 the corresponding opposition and reply dates so that they may finalize their agreement regarding
22 the Motions; and

23 2. Defendants and Plaintiff request the Court execute the PROPOSED ORDER filed
24 herewith which continues the hearing for the Motions from February 22, 2008 at 10:00 a.m. to
25 **March 21, 2008 at 10:00 a.m.**

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1 IT IS SO STIPULATED.

2 AGREED TO BY:

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4 Dated: February 1, 2008

PECKAR & ABRAMSON, P.C.

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By: /s/ Rick W. Grady
Raymond M. Buddie (SBN 121353)
Rick W. Grady (SBN 235976)
Attorneys for Defendants
DICK/MORGANTI; DICK
CORPORATION; THE MORGANTI
GROUP, INC.; AMERICAN CASUALTY
COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

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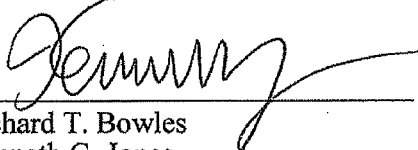
Dated: February 1, 2008

BOWLES & VERNA LLP

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By:


Richard T. Bowles
Kenneth G. Jones
Attorneys for Plaintiff, UNITED STATES
OF AMERICA for the Use and Benefit of
WEBCOR CONSTRUCTION, INC. DBA
WEBCOR BUILDERS

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